

REMARKS

Reconsideration and allowance of this application are respectfully requested in light of the above amendments and the following remarks.

Claims 15 and 29 have been amended to clarify various patentable aspects of the recited methods and apparatuses. Support for the amendments to the claims is found, for example, in paragraph [0119] of the published U.S. application. (It is noted that references herein to the specification and drawings are illustrative purposes only and are not intended to limit the scope of the invention to the preferred embodiments). No new matter is added.

Claims 15-16 and 29 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Application Number 2004/0233838 (Sudo et al.) (hereinafter, "Sudo") in view of U.S. Patent Number 7,206,350 (Korobkov et al.) (hereinafter, "Korobkov") (it is noted that item 3 at the bottom of pg. 2 of the Office Action erroneously identifies only claims 15 and 29 as being rejected based on Sudo and Korobkov, but the analysis at item 5, pg. 4 of the Office Action indicates that claim 16 is rejected based on the same combination). Claims 22-25 and 27 were rejected under 35 U.S.C. §103(a) as being unpatentable over Sudo and Korobkov as applied to claim 15, and further in view of U.S. Patent Number 7,020,110 (Walton et al.) (hereinafter, "Walton"). To the extent that these rejections are deemed applicable to the amended claims presented herein, the Applicants respectfully traverse based on the points set forth below.

By way of review, claim 15 is directed towards a base station apparatus and recites the features of:

"15. A base station apparatus comprising:

an acquisition section that acquires from a communication terminal apparatus, frequency band information indicating a frequency band having a propagation

path state that is equal to or better than a predetermined level among a plurality of frequency bands, into which a frequency band used for a transmission multicarrier signal is divided and which are known to both the base station apparatus and the communication terminal apparatus; and

a transmitting section that transmits a signal to the communication terminal apparatus via the frequency band indicated by the frequency band information, wherein:

the transmitting section sets a repetition number of the frequency band information in accordance with a number of accommodated communication terminal apparatuses and instructs each of a plurality of communication terminal apparatuses on the repetition number.” (emphasis added)

As explained in the specification, the method recited by claim 15 improves reception quality. (see par. [0119] of the published U.S. application). Furthermore, as noted above, distinct technical features of the method recited by claim 15 include setting a repetition number of the frequency band information in accordance with the number of accommodated communication terminal apparatuses and instructing each of a plurality of communication terminal apparatuses on the repetition number.

In the rejection of claim 15, the Office Action (pg. 3) acknowledges that Sudo fails to teach or suggest these above-noted features of claim 15, but then alleges that Korobkov cures these deficiencies of Sudo, stating:

“...But Sudo fails to teach a base station apparatus wherein the transmitting section instructs each communication terminal on the repetition number of the frequency band information in accordance with the number of the accommodated communication terminals. Korobkov teaches an OFDM multiple sub-channel communication system [**Title**], whereby an upconversion structure permits an OFDM transmitter to generate multiple sub-channels in a dynamic fashion so the frequency position and frequency width of the sub-channels can quickly change from one time instant to the next (i.e. informing the users of the position and width of the sub-channel) [**Column 7, lines 18-22**]. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include the method of Korobkov in the system of Sudo in order enable a wireless terminal to quickly and efficiently search and find the carrier frequency

or frequencies and/or the frequency band to be used for communication purposes with the base station.” (emphasis added)

However, despite the allegations set forth in the Office Action, Korobkov fails to teach or suggest these above-noted features of claim 15.

It is noted that Korobkov is directed towards communication systems using OFDM to communicate information in a multiple user two-way communication system (col. 1, lines 10-14). Col. 7, lines 18-22 of Korobkov discloses the following:

“By way of background, the method of fast convolution filtering can be described with reference to FIGS. 4 and 5. There are two distinct fast convolution filtering techniques well known in the art.”

The Office Action (pg. 3) further notes that Korobkov discloses informing the users of “the frequency position and frequency width of the sub-channels.” (see col. 7, lines 10-16).

However, according to Korobkov, the information reported to each user is frequency-related information such as “the frequency position and frequency width of a subchannel,” which bears no relationship to “a repetition number of the frequency band information” as recited by claim 15. In fact, Korobkov does not mention a “repetition number” anywhere, and the Office Action has apparently neglected this feature of claim 15. It is well-established that “All words in a claim must be considered in judging the patentability of that claim against the prior art.” MPEP 2143.03. Here, the Office Action apparently has not even considered this above-noted feature of claim 15, and it is respectfully submitted that Korobkov does not teach or suggest this above-noted feature.

Furthermore, Korobkov fails to teach or suggest that the repetition number of the frequency band information is set “in accordance with a number of accommodated communication terminal apparatuses” as recited by claim 15. In fact, Korobkov does not

mention setting any values in accordance with “a number of accommodated communication terminal apparatuses,” as recited by claim 15.

Futhermore, Walton fails to cure these deficiencies of Korobkov, and the Office Action does rely on Walton for supplementing the teachings of Korobkov in this regard.

Accordingly, it is respectfully submitted that Sudo and Korobkov, even if combined as proposed in the Office Action, still fail to teach or suggest at least these above-noted features recited by claim 15. Claim 29 now similarly recites the above-mentioned subject matter distinguishing claim 15 from the applied references, though does so with respect to a transmission method. Therefore, it is respectfully submitted that allowance of claims 15 and 29 and all claims dependent therefrom is warranted for at least these reasons.

In view of the above, it is submitted that this application is in condition for allowance, and a notice to that effect is respectfully solicited.

If any issues remain which may best be resolved through a telephone communication, the Examiner is requested to telephone the undersigned at the local Washington, D.C. telephone number listed below.

Respectfully submitted,

/James Edward Ledbetter/

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JEL/DEA/att
Attorney Docket No. 009289-06168
Dickinson Wright PLLC
1875 Eye Street, NW, Suite 1200
Washington, DC 20006
Telephone: (202) 457-0160
Facsimile: (202) 659-1559

James E. Ledbetter
Registration No. 28,732

DC 9289-6168 168758